

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE ADOPTION BY REFERENCE OF THE
2006 EDITION OF THE UNIFORM MECHANICAL CODE (UMC)
WITH AMENDMENTS INTO THE 2007 CALIFORNIA MECHANICAL CODE (CMC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons to be available to the public upon request when a rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.

Administrative Requirement: Health and Safety Code Sections 17922 and 19990 direct the Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which, in this case, is the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials (IAPMO) as selected by the California Building Standards Commission (CBSC), into Part 4 of Title 24, of the California Code of Regulations. Pursuant to the court case International Association of Plumbing and Mechanical Officials v. California Building Standards Commission (1997) 55 Cal.App.4th 245 (Ct of Appeal 3rd Dist), the CBSC is not limited to the statutorily identified model codes.

2) Specific Purpose

The CBSC selected the 2006 Uniform Mechanical Code (UMC), published by the International Association of Plumbing and Mechanical Officials (IAPMO), as the model code to be referenced in Title 24, Part 4 for the 2006 Triennial code adoption cycle.

The specific purpose of these regulations is to adopt by reference the 2006 edition of the UMC, with California amendments, as indicated on the attached matrix table, into Part 4, Title 24, CCR for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided for through California Fair Employment and Housing accessibility requirements, except where the application is for public use only, in accordance with Health and Safety Code, Division 13, Part 1.5 commencing with Section 17910.
- b) **Mobilehome Parks and Special Occupancy Parks:** relative to the use of mechanical equipment and systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator, within the park, in accordance with Health and Safety Code Sections 18300 and 18690 for mobilehome parks, and Health and Safety Code Sections 18865 and 18873.4 for special occupancy parks.
- c) **Employee Housing Act:** relative to the use of mechanical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity.

The UMC was published by IAPMO and will automatically become adopted in its entirety, pursuant to Health and Safety Code Section 17922 (b), one year from its date of publication if not amended and proposed by HCD to the CBSC for adoption.-

If the 2006 UMC becomes adopted in its entirety without being proposed for adoption with amendments by the HCD to the CBSC, such automatic adoption would cause considerable confusion because California amendments, also known as State amendments, are necessary modifications to the model code language to incorporate state and federal laws and to benefit the health, safety, and general welfare of California.

It is necessary to propose the adoption of some sections of the 2006 UMC, with amendments to the model code language, to incorporate state and federal laws and regulations, and to benefit the health, safety, and general welfare of California.

It is necessary to not propose the adoption of some sections of the 2006 UMC, as they would conflict with certain existing state and federal laws, and would not benefit the health, safety, and general welfare of California.

It is necessary to propose the removal of some California amendments previously proposed and adopted in the 2001 CMC that are duplicated or replaced by similar new model code language, or incorporated state and federal laws, and are no longer necessary.

It is necessary to propose to continue to adopt previously existing California amendments which represent no change in their effect from the 2001 Triennial California Building Standards Code. Some of the existing California amendments will be amended as follows:

- Renumber sections in order to fit appropriately into the newly adopted text of the 2006 edition of the UMC
- Remove banners [HCD1, HCD 1/AC, and/or HCD 2], add scoping language for HCD's application and reference appropriate section numbers and/or laws
- Change the language for clarification of existing law

NOTE: Changes have been grouped into types of amendments. Thus, a specific section of code may appear more than once because the section has more than one type of amendment.

Specific Proposed Regulatory Actions:

CHAPTER 1. ADMINISTRATION

This model code chapter is relocated to Appendix Chapter 1 in its entirety pursuant to guidance given by the California Building Standards Commission. The California Chapter 1 incorporates language from the model code and the existing California amendments in the 2001 CMC, Chapter 1, into a reformatted chapter regarding application of California laws as applied by each California agency. The California amendments as they existed in the 2001 CMC Chapter 1 are repealed, and the proposed adoption of the new California Chapter 1 is consistent with the format of the proposed 2007 CBC, CPC and CEC to provide clarity for the code user.

(CALIFORNIA) CHAPTER 1. GENERAL CODE PROVISIONS

**SECTIONS: 101.0 – 101.13
 108.0 - 108.10.5**

HCD proposes to adopt the new California Chapter 1 Sections listed above into the 2007 CMC, as indicated on the attached matrix table. This new chapter is added to centralize and identify each California agency's authority and application of these sections, to conform to the format guidance given by the California Building Standards Commission and for consistency with the proposed 2007 CBC, CPC and CEC. The existing model code Chapter 1 is moved in its entirety to Appendix Chapter 1 and the California amendments as they existed in the 2001 CMC Chapter 1 are repealed to prevent duplication, provide consistency with State Housing Law and provide clarity for the code user.

CHAPTER 2. DEFINITIONS

SECTIONS:

201.0 General	211.0 – I	221.0 – S
202.0 Accepted Meanings	212.0 – J	222.0 – T
203.0 – A	213.0 – K	223.0 – U
204.0 – B	214.0 – L	224.0 – V
205.0 – C	215.0 – M	225.0 – W
206.0 – D	216.0 – N	226.0 – X
207.0 – E	217.0 – O	227.0 – Y
208.0 – F	218.0 – P	228.0 – Z
209.0 – G	219.0 – Q	
210.0 – H	220.0 – R	

HCD proposes the adoption of the 2006 UMC, Chapter 2, as amended, indicated above and on the attached matrix table.

SECTION: 203.0 “Approved”

HCD proposes the repeal of the above listed California amendment from Title 24, Part 4, CMC. New model code language has been added with a proposed amendment regarding HCD's application of this section. There are no substantive differences between the new model code language, with proposed amendment, and the existing California amendment with correlating numbered section. Removal of the original California amendment will prevent duplication and provide clarity for the code user.

SECTION: 203.0 “Approved”

HCD proposes to adopt the above-listed model code definition into Title 24, Part 4, CMC, with modifications. The banner “[Not adopted by HCD]” is removed, and scoping language is added to provide clarity, specificity and direction to the code user regarding HCD's application of this section, and consistency with the Health & Safety Code definitions. It should be noted that the definition for “Approved” changed between the 2000 UMC and the 2006 UMC.

SECTION: 203.0 “Approved Testing Agency”

HCD proposes to adopt the above-listed new model code definition into Title 24, Part 4, CMC, with modifications. Scoping language is added pursuant to the format guidance offered by the California Building Standards Commission, and to provide clarity, specificity and direction to the code user regarding HCD's application of this section, and for consistency with the Health & Safety Code definition.

SECTION: 203.0 “Assembly Building”

HCD proposes to continue to adopt the above-listed model code definition into Title 24, Part 4, CMC, with modifications. The banner “[Not adopted by HCD]” is removed pursuant to the format guidance offered by the California Building Standards Commission, and scoping language is added to direct the user to the applicable section in Title 24, Part 2, (CBC) and to provide clarity and consistency with other sections of code.

SECTION: 203.0 “Authority Having Jurisdiction”

HCD proposes to adopt the above-listed model code definition into Title 24, Part 4, CMC, with modifications. Scoping language is added to direct the user to the relevant section in this code and to provide clarity and direction to the code user regarding HCD's application of this section, and for consistency with other sections of code.

SECTION: 204.0 “Building”

HCD proposes to continue to adopt the above-listed California amendment into Title 24, Part 4, CMC, with modifications. The banner “[For HCD 1 & HCD 2]” is removed pursuant to the format guidance offered by the California Building Standards Commission, language is modified to reference the appropriate Health and Safety Code sections, and scoping language is added regarding HCD's application of this section, to provide clarity, specificity and direction to the code user.

SECTION: 204.0 “Building Code”

HCD proposes to adopt the above-listed model code definition into Title 24, Part 4, CMC, with modifications. The banner “[Not adopted by HCD]” is removed pursuant to the format guidance offered by the California Building Standards Commission, and scoping language is added to provide clarity, specificity and direction to the code user regarding HCD’s application of these sections, and for consistency with other sections of code.

SECTION: 204.0 “Building Official”

HCD proposes to adopt the above-listed model code definition into Title 24, Part 4, CMC, with modifications. The banner “[Not adopted by HCD]” is removed pursuant to the format guidance offered by the California Building Standards Commission and the “Exception” is removed because the definition references “AUTHORITY HAVING JURISDICTION” which is amended for California to mean “ENFORCING AUTHORITY”.

SECTION: 206.0 “Department”

HCD proposes to continue to adopt the above-listed California amendment into Title 24, Part 4, CMC, with modifications. The banner [For HCD 1 & HCD 2] is removed pursuant to the format guidance offered by the California Building Standards Commission, duplicative language is removed, and scoping language is added to provide clarity, specificity and direction to the code user regarding HCD’s application of this section.

**SECTIONS: 206.0 “Dwelling”
206.0 “Dwelling Unit”**

HCD proposes to adopt the above-listed model code definitions into Title 24, Part 4, CMC, with modification. The banners “[Not adopted by HCD]” are removed pursuant to the format guidance offered by the California Building Standards Commission, and the amendments are repealed. Though the terms “Dwelling” and “Dwelling Unit” are still used by HCD in its proposed regulations, HCD is proposing to adopt the 2006 IBC definition for these terms as contained in this Code. This amendment does not represent a change in its effect from the 2001 CMC.

SECTION: 207.0 “Electrical Code”

HCD proposes to adopt the above-listed model code definition into Title 24, Part 4, CMC, with modifications. The banner “[Not adopted by HCD]” is removed pursuant to the format guidance offered by the California Building Standards Commission. Scoping language is added to direct the user to Title 24, Part 3, (CEC), to provide clarity and specificity to the code user, and for consistency with the 2007 CBC.

SECTION: 207.0 “Enforcing Agency”

HCD proposes to continue to adopt the above-listed California amendment into Title 24, Part 4, CMC, with modifications. The banner [For HCD 1 & HCD 2] is removed pursuant to the format guidance offered by the California Building Standards Commission, and scoping language is added to provide clarity, specificity and direction to the code user regarding HCD’s application of this section, and for consistency with the 2007 CBC.

SECTION: 207.0 “Enforcement Agency”

HCD proposes to repeal the above listed California amendment from Title 24, Part 4, CMC. The term is no longer used in model code or California amendment language. Therefore, the definition is no longer needed and is removed to provide clarity for the code user.

SECTION: 208.0 “Family”

HCD proposes to adopt the above-listed new California amendment into Title 24, Part 4, CMC. The term is used in model code language and the amendment is necessary to provide clarity to the code user and for consistency with the 2007 CBC definition.

SECTION: 208.0 “Fire Code”

HCD proposes to not adopt the above-listed model code definition into Title 24, Part 4, CMC, with modification. The banner “[Not adopted by HCD]” is removed pursuant to the format guidance offered by the California Building Standards Commission.

**SECTIONS: 214.0 “Labeled”
 214.0 “Listed”
 214.0 “Listing Agency”**

HCD proposes the repeal of the above listed California amendments from Title 24, Part 4, CMC. New model code language has been added with proposed amendments regarding HCD’s application of these sections. There are no substantive differences between the new model code language, with proposed amendments, and the existing California amendments with correlating numbered sections. Removal of the original California amendments would prevent duplication and provide clarity for the code user.

**SECTIONS: 214.0 “Labeled”
 214.0 “Listed (Third Party Certified)”
 214.0 “Listing Agency”**

HCD proposes to adopt the above-listed new model code into Title 24, Part 4, CMC, with modifications. Scoping language is added referring the user to the relevant HSC Sections and to provide clarity regarding HCD’s application of these sections. This amendment does not represent a change in its effect from the 2001 CMC and is added to provide clarity, specificity and direction to the code user regarding HCD’s application of this section, and for consistency with other sections of code.

SECTION: 216.0 “Nuisance”

HCD proposes to continue to adopt the above-listed California amendment into Title 24, Part 4, CMC, with modifications. The banner *[For HCD 1 & HCD 2]* is removed pursuant to the format guidance offered by the California Building Standards Commission, the “Exception is removed and scoping language is added to provide clarity, specificity and direction to the code user regarding HCD’s application of this section and for consistency with the CBC and CPC.

SECTION: 217.0 “Occupancy Classification”

HCD proposes to adopt the above-listed model code section into Title 24, Part 4, CMC, with modifications. The banner *[For HCD 1 & HCD 2]* is removed pursuant to the format guidance offered by the California Building Standards Commission, and scoping language is added to direct the user to Title 24, Part 2 (CBC). The “Note” is removed to prevent duplication of the scoping language. The change is necessary to provide clarity and direction regarding HCD’s application of this section to the code user. There is no change in effect from the 2001 CMC.

SECTION: 218.0 “Plumbing Code”

HCD proposes to adopt the above-listed model code definition into Title 24, Part 4, CMC, with modifications. The banner *“[Not adopted by HCD]”* is removed pursuant to the format guidance offered by the California Building Standards Commission, and scoping language is added to direct the user to the applicable section in Title 24, Part 5, (CPC), and for HCD’s application of this section. The change is necessary to provide clarity to the code user and to provide clarity and consistency with other sections of code. There is no change in effect from the 2001 CMC.

SECTION: 222.0 “Testing Agency”

HCD proposes to continue to adopt the above-listed California amendment into Title 24, Part 4, CMC, with modifications. The banner *[For HCD 1 & HCD 2]* is removed pursuant to the format guidance offered by the California Building Standards Commission, and scoping language is added to provide clarity regarding HCD’s application of this section. The HSC section is removed and reference is made to the definition of “APPROVED TESTING AGENCY” which has the same meaning. The change is necessary to prevent duplication and to provide clarity to the code user. There is no change in effect from the 2001 CMC.

**SECTIONS: 223.0 “UMC”
 223.0 “UMC Standards”**

HCD proposes to continue to adopt the above-listed California amendments into Title 24, Part 4, CMC, with modifications. The banners *[For HCD 1 & HCD 2]* are removed pursuant to the format guidance offered by the California Building Standards Commission, and the language is modified for consistency with model code language. The change is necessary to provide clarity to the code user, and for consistency with other sections of code.

CHAPTER 3. GENERAL REQUIREMENTS

HCD proposes to adopt the 2006 UMC, Chapter 3, with California amendments as indicated below and on the attached matrix table.

SECTION: 304.7 Liquefied Petroleum Gas Appliances

HCD proposes to adopt the above-listed new California amendment into Title 24, Part 4, CMC. It should be noted that this amendment is brought forward from the 2000 UMC, Section 304.6 model code that was omitted from the 2006 UMC. The changes are necessary to provide safety for the public in the installation and use of Liquefied Petroleum Gas Appliances and identify prohibited locations. Scoping language has been added to provide clarity regarding HCD's application of this section, and for consistency with other sections of code.

CHAPTER 4. VENTILATION AIR SUPPLY

HCD proposes to continue to adopt the 2006 UMC, Chapter 4, without California amendments, as indicated on the attached matrix table.

CHAPTER 5. EXHAUST SYSTEMS

HCD proposes to continue to adopt the 2006 UMC, Chapter 5, without California amendments, as indicated on the attached matrix table.

CHAPTER 6. DUCT SYSTEMS

HCD proposes to continue to adopt the 2006 UMC, Chapter 6, with California amendments as indicated below and on the attached matrix table.

SECTION: 601.2 Sizing Requirements “Exception”

HCD proposes to adopt the above-listed California amendment into Title 24, Part 4, CMC. An exception has been added to this section with scoping language to direct the user to the relevant section regarding HCD's application of this section. Language has also been added to indicate systems exempt from duct sizing to provide clarity for the code user and consistency with other sections of code.

CHAPTER 7. COMBUSTION AIR

HCD proposes to continue to adopt the 2006 UMC, Chapter 7, without California amendments, as indicated on the attached matrix table.

CHAPTER 8. CHIMNEYS AND VENTS

HCD proposes to continue to adopt the 2006 UMC, Chapter 8, without California amendments, as indicated on the attached matrix table.

CHAPTER 9. INSTALLATION OF SPECIFIC EQUIPMENT

HCD proposes to continue to adopt the 2006 UMC, Chapter 9, with California amendments as indicated below and on the attached matrix table.

**SECTION: 924.1
 924.1.1**

HCD proposes to adopt the above-listed model code sections into Title 24, Part 4, CMC, with modifications. Scoping language is added to provide direction to the code user regarding HCD's application of these sections, and to clarify excluded locations. The changes are necessary to provide safety for the public in the installation and use of unvented room heaters and for clarity and consistency with other sections of code.

SECTIONS:	932.0	(909.0 in 2001 UMC)
	932.1	(909.1 in 2001 UMC)
	932.2	(909.2 in 2001 UMC)
	932.3	(909.3 in 2001 UMC)
	932.4	(909.4 in 2001 UMC)
	932.5	(909.5 in 2001 UMC)

HCD proposes to adopt the above-listed new California amendments into Title 24, Part 4, CMC. These amendments are necessary to provide safety for the public in the installation and use of HVAC systems. The requirements of these proposed sections are currently mandated in the 2001 CMC and have been omitted from the 2006 UMC. HCD proposes to bring forward these sections as new California amendments. The amendments will provide clarity for the code user and consistency with other sections of code. The amendments will provide no change from existing regulations.

CHAPTER 10. STEAM AND HOT WATER BOILERS

HCD proposes to continue to adopt the 2006 UMC, Chapter 10, without California amendments, as indicated on the attached matrix table.

CHAPTER 11. REFRIGERATION

HCD proposes to continue to adopt the 2006 UMC, Chapter 11, without California amendments, as indicated on the attached matrix table.

CHAPTER 12. HYDRONICS

HCD proposes to continue to adopt the 2006 UMC, Chapter 12, without California amendments as indicated below and on the attached matrix table.

SECTION: 1201.3.5.2

HCD proposes to repeal the above-listed existing California amendment from the model code section. The banner is removed pursuant to the format guidance offered by the California Building Standards Commission. HCD also proposes to remove the amendment language in this section to prevent duplication, provide clarity for the code user and for consistency with other sections of code.

CHAPTER 13. FUEL GAS PIPING

HCD proposes to not adopt Chapter 13 of the 2006 UMC as indicated on the attached matrix table. This chapter is duplicated in Chapter 12 of the Uniform Plumbing Code proposed for adoption as the California Plumbing Code, Title 24, Part 5.

CHAPTER 14. PROCESS PIPING

HCD proposes to not adopt Chapter 14 of the 2006 UMC, as indicated on the attached matrix table.

CHAPTER 15. SOLAR SYSTEMS

HCD proposes to adopt only those sections of the 2006 UMC, Chapter 15, with California amendments indicated below, and on the attached matrix table.

SECTION: 1500

HCD proposes to continue to adopt the above-listed existing California amendment into Title 24, Part 4, of the 2007 CMC, with modifications. The banner *[For HCD 1 & HCD 2]* is removed pursuant to the format guidance offered by the California Building Standards Commission, and Health and Safety Code language is removed. Scoping was added to reference HCD's application of this section and the appropriate Civil Code and HSC Sections. The changes are necessary to provide clarity to the code user and for consistency with other sections of code.

SECTION: 1501

HCD proposes to repeal this California amendment from Title 24, Part 4, California Mechanical Code, in that Section 1500 above incorporates a reference to Civil Code Section 801.5. Removal of this section, which also references Civil Code Section 801.5, would prevent duplication and provide direction and clarity for the code user.

CHAPTER 16. STATIONARY FUEL CELL POWER PLANTS

HCD proposes to adopt the 2006 UMC, Chapter 16, without California amendments, as indicated on the attached matrix table.

CHAPTER 17. STANDARDS

HCD proposes to adopt the 2006 UMC, Chapter 17, without California amendments, as indicated on the attached matrix table.

**APPENDIX CHAPTER 1
ADMINISTRATION**

HCD proposes to adopt only those sections of the 2006 UMC, Appendix Chapter 1, indicated on the attached matrix table, without modification. This model code chapter is moved here in its entirety from 2006 UMC Chapter 1. The new California Chapter 1 is consistent with the format guidance offered by the California Building Standards Commission and replaces existing model code and amendment language in this chapter. All California amendments contained within Appendix Chapter 1 are repealed to prevent duplication and provide clarity to the code user.

**APPENDIX A
UMC STANDARDS 2-2 THROUGH 6-5**

HCD proposes to continue to adopt the 2006 UMC, Appendix A, without California amendments, as indicated on the attached matrix table.

**APPENDIX B
PROCEDURES TO BE FOLLOWED TO PLACE GAS EQUIPMENT IN OPERATION**

HCD proposes to not adopt Appendix B of the 2006 UMC, as indicated on the attached matrix table.

**APPENDIX C
INSTALLATION AND TESTING OF OIL (LIQUID) FUEL-FIRED EQUIPMENT**

HCD proposes to not adopt Appendix C of the 2006 UMC, as indicated on the attached matrix table.

**APPENDIX D
UNIT CONVERSION TABLES**

HCD proposes to adopt the 2006 UMC, Appendix D, without California amendments, as indicated on the attached matrix table.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(2) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).)

The following identifies each technical, theoretical, and empirical study, report, or similar document upon which HCD relied in proposing the adoptions, amendments, or repeals:

1999 IAPMO Report on Proposals
2001 IAPMO Report on Proposals
2002 IAPMO Report on Proposals
2003 IAPMO Report on Proposals
2004 IAPMO Report on Proposals

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternative.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

(Government Code Section 11346.2(b)(3)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

HCD has determined that this regulatory action will have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. (See *Economic Impact of the Proposed Mechanical Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS.

(Government Code Section 11346.2(b)(4) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.)

None.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.